SOUTH DAKOTA STATE BOARD OF TECHNICAL PROFESSIONS Board Minutes

Minutes of the regular meeting Friday, September 23, 2011

The South Dakota State Board of Technical Professions held its regular meeting on Friday, September 23, 2011 in its Board Room, Rushmore Building, Rapid City, South Dakota; Chairman Drake Olson, presided over the meeting until the discussion on audits started at which time he needed to leave due to a prior commitment and Vice Chairman Shafai presided over the remaining portion of the meeting.

The meeting was called to order at 8:30 a.m. by Board Chairman Drake Olson.

The following board members were present: Chairman Drake Olson, Vice Chairman Hani Shafai, Secretary Leonard Neugebauer, Randy Bacon, Jeff Hazard, Dennis Micko and Jeff Nelson. Others present were Staff Attorney Aaron Arnold by telephone; and staff members Mark Humphreys, and Kathryn Patterson. Also present was Brian S. Jenner, SD Engineering Society, Licensure Chair.

Agenda Items:

- 1) Approval of July 28 & 29, 2011 Minutes (Motion)
- 2) Approval of vouchers since last meeting (Motion)
- 3) Activities report ending August, Review of Deposits & Quarterly report (FYI)
- 4) Hearing on Revocation of License
- 5) Investigation reports
- 6) Old Business
- 7) New Business
- 8) PDH Audits (Motion)
- 9) Approval of applicants by examination (Appendix A, Motion)
- 10) Approval of Comity applications (Appendix B, Motion)
- 11) Approval of Business applications (Appendix C, Motion)
- 12) Review previous applications & misc. (Appendix D, Motion)
- 13) Annual, zone, committee meeting reports & upcoming meetings
- 14) Correspondence
- 15) Future board meeting schedule
- 16) Adjournment (Motion)

AGENDA ITEM #1 APPROVAL OF JULY 28 & 29, 2011 BOARD MEETING MINUTES

MOTION: By Micko, seconded by Shafai, to approve the Minutes of the Special Meeting on SD Administrative Rules on July 28, 2011.

ACTION: 7-0 AYE (Bacon, Hazard, Micko, Nelson, Neugebauer, Olson, Shafai)

MOTION: By Micko, seconded by Shafai, to approve the Minutes of the regular Board Meeting on July 29, 2011.

ACTION: 7-0 AYE (Bacon, Hazard, Micko, Nelson, Neugebauer, Olson, Shafai)

AGENDA ITEM #2 APPROVAL OF VOUCHERS SINCE LAST MEETING

MOTION: By Neugebauer, seconded by Bacon for approval of the vouchers paid since last meeting.

AGENDA ITEM #3 ACTIVITES REPORT ENDING AUGUST 2011 & REVIEW OF DEPOSITS & QUARTERLY REPORT

Informational for review by Board members.

AGENDA ITEM # 4 HEARING ON REVOCATION OF LICENSE - Held at 9 a.m.

In the Matter of Dennis P. Carlisle:

Respondent, Dennis P. Carlisle, failed to appear for the scheduled hearing. Staff Attorney Aaron Arnold presented evidence to the Board which showed that Respondent failed to respond to requested information for a PDH Audit and that Respondent failed to obtain the necessary professional development hours for renewal, in violation of South Dakota law and administrative rules.

MOTION: By Micko, seconded by Nelson, the Board should enter

into Executive Session for deliberative purposes.

ACTION: 7-0 AYE (Bacon, Hazard, Micko, Nelson, Neugebauer, Olson, Shafai)

MOTION: By Nelson, seconded by Bacon for the Board to come out of Executive Session.

ACTION: 7-0 AYE (Bacon, Hazard, Micko, Nelson, Neugebauer, Olson, Shafai)

Following further discussion by the Board, Staff Attorney Aaron Arnold and Staff Member Humphreys the following motion be made.

MOTION: By Bacon, seconded by Neugebauer that Staff Attorney prepare Findings of Fact and Conclusions of Law consistent with the evidence presented during the hearing, and it is the decision of the Board that license

9551 of Dennis P. Carlisle be revoked.

ACTION: 7-0 AYE (Bacon, Hazard, Micko, Nelson, Neugebauer, Olson, Shafai)

AGENDA ITEM #5 INVESTIGATION REPORTS

Case 09-03 Failure to report Disciplinary Action (Appeal)

Humphreys reported that this case in currently in the process of being appealed in Circuit Court and outside counsel Attorney Ed Carpenter will be representing the Board.

Case 09-06 Competency and Professional Conduct

Shafai and Humphreys reported that there has been a long investigative process in this case. The Licensee was offered an agreement that was rejected and the case will be going to a hearing. Outside counsel will be handling this case also.

Case 09-07 Competency and Professional Conduct

Case is currently on hold.

Case 11-02 Engineer cross practicing as a Land Surveyor

Bacon reported the investigative committee held a meeting on

09/22/2011 with the case moving forward and more information would be available at the November Board meeting.

Case 11-03 Possible practice of an unlicensed Engineer

Board member Micko has been assigned to this case and it is the recommendation of the investigative committee that this case should be dismissed for a lack of jurisdiction and lack of merit

MOTION: By Neugebauer, seconded by Shafai to adopt the investigative committee recommendation to dismiss the case.

ACTION: 6-0 AYE (Bacon, Hazard, Nelson, Neugebauer, Olson, Shafai)

Micko abstained

Case 11-04 Land Surveying issue

Humphreys to follow up on case. Nothing new to report at this meeting. Board member Bacon was appointed to the investigative committee.

AGENDA ITEM #6 OLD BUSINESS

Action Items - reports - Informational

Rules and Statutes - reports - The revisions of the Administrative Rules Article 20:38 is moving forward. Staff Attorney Arnold is working on creating a document to be ready for Legislative Review Committee later this year. It was noted that there were not fees for Petroleum Release applications in the revisions and these fees would need to be added back in to the revisions. Humphreys is to send out a copy of the proposed revisions to the professional societies for professions in South Dakota.

MOTION: By Olson, seconded by Shafai to approve the rules changes and move forward with the

process of adopting the revisions.

ACTION: 7-0 AYE (Bacon, Hazard, Micko, Nelson, Neugebauer, Olson, Shafai)

FTE & Investigator Duties - Discussion was held by the Board and Humphreys on staffing vacancy and staffing level.

Candidate ID numbers - Discussion was held between the Board and Staff Attorney Arnold Regarding ID numbers for applicants.

ABET - Data on website regarding accreditation dates and ranges - Discussion was held regarding the information that is available on the ABET website and a reference CD.

Bid Law Requirements - Board member Neugebauer has contacted the author of an article regarding bid law requirements in South Dakota. Clarification will be printed in the future regarding the issue.

NCEES 2016 Annual Meeting - RFP for Host Cities in the Central Zone - Rapid City was among cities presenting a proposal to host this meeting. NCEES has made the decision to hold the meeting in Indianapolis, IN.

A.R.E. Pipeline - Discussion was held between the Board, Staff Attorney Arnold and Staff Member Humphreys regarding the candidates affected.

MOTION: By Olson, seconded by Bacon, pursuant to SDCL 1-25-2 (3) the Board should enter

into Executive Session for the purpose of consulting with legal counsel.

MOTION: By Bacon, seconded by Shafai for the Board to come out of Executive Session.

ACTION: 7-0 AYE (Bacon, Hazard, Micko, Nelson, Neugebauer, Olson, Shafai)

Following a short discussion by the Board it was decided to rescind the motion made at the July 29, 2011 Board meeting regarding limiting the ability for candidates to continue with ARE testing.

MOTION: By Olson, seconded by Nelson for the Board to rescind the motion made at the July 29,

2011 Board meeting to not allow candidates ability to continue ARE testing.

ACTION: 7-0 AYE (Bacon, Hazard, Micko, Nelson, Neugebauer, Olson, Shafai)

MOTION: By Olson, seconded by Hazard for Staff Attorney Arnold to write a letter to candidate

stating ability to continue testing with an extension added to the time.

ACTION: 7-0 AYE (Bacon, Hazard, Micko, Nelson, Neugebauer, Olson, Shafai)

MOTION: By Nelson, seconded by Hazard for Staff Attorney Arnold to make changes to the

revisions of Administrative Rules to reflect the NCARB Rolling Clock.

ACTION: 7-0 AYE (Bacon, Hazard, Micko, Nelson, Neugebauer, Olson, Shafai)

AGENDA ITEM #7 NEW BUSINESS

Former Board Member Dale Jans accepts NCEES Presidency - Informational

Schedule the Board Meeting Dates for 2012 - Discussion was held between the Board and Staff members for meeting dates for the next year. Dates selected for the year of 2012 are:

January 27, 2012 March 16, 2012 May 11, 2012 July 27, 2012 September 21, 2012

November 16, 2012

NCEES CBT Administration Cycles - This item will be placed on the Action Items Report for review concerning possible deadline changes.

SWPS Guide - Informational, software engineer test is in development stages and the authors are requesting feedback.

Experience question - Board members Neugebauer and Micko have been in contact with an individual regarding a question relating to supervised experience.

Veterans Points - Informational for Board that one jurisdiction is awarding Veterans Points to exam scores.

Scrip-Safe - Informational for Board that this is a vendor sending transcripts for schools.

Washington Accord Survey - Informational for Board.

Compilation of Laws for Surveyors - Neugebauer and Bacon are currently working with the SD Society of Professional Land Surveyors to update the 'Green Book' for surveyors and update information on the Board website.

AGENDA ITEM #8 PDH AUDITS

<u>NEW AUDITS</u> - Stephen Banks Arant, PE; Alan M. Curd, LS; Karl E. Hokanson, AR; Wayne G. Jensen, PE; Stan W. Lloyd, LS; Patrick Stephens O'Brien, PE; Gary Oien, AR; Joseph M. Pahl, AR; Reade Colin Roselles, LS; and Stephen R. Varsa, R.

MOTION: By Hazard, seconded by Nelson for approval of the following AR Audits: Joseph M.

Pahl, AR and Karl E. Hokanson, AR.

ACTION: 7-0 AYE (Bacon, Hazard, Micko, Nelson, Neugebauer, Olson, Shafai)

MOTION: By Hazard, seconded by Nelson for denial of the following AR Audit: Gary Oien,

AR, pending receipt of information.

ACTION: 7-0 AYE (Bacon, Hazard, Micko, Nelson, Neugebauer, Olson, Shafai)

MOTION: By Neugebauer, seconded by Bacon for approval of the following LS Audits:

Alan M. Curd, LS; Stan W. Lloyd, LS; and Reade Colin Roselles, LS. Neugebauer requests that Stan W. Lloyd provide a certified transcript of his courses taken to

be placed in file.

ACTION: 7-0 AYE (Bacon, Hazard, Micko, Nelson, Neugebauer, Olson, Shafai)

MOTION: By Micko, seconded by Neugebauer for approval of the following PE Audits:

Wayne G. Jensen, PE and Patrick Stephens O'Brien, PE.

ACTION: 7-0 AYE (Bacon, Hazard, Micko, Nelson, Neugebauer, Olson, Shafai)

MOTION: By Micko, seconded by Neugebauer for denial of the following PE Audit:

Stephen Banks Arant, PE, pending receipt of more information.

ACTION: 7-0 AYE (Bacon, Hazard, Micko, Nelson, Neugebauer, Olson, Shafai)

MOTION: By Neugebauer, seconded by Micko for approval of the following Remediator

Audit: Stephen R. Varsa, R.

ACTION: 7-0 AYE (Bacon, Hazard, Micko, Nelson, Neugebauer, Olson, Shafai)

<u>REVIEW PREVIOUS AUDITS</u> - James L. Bauer, AR; Huseyin Ilkin Bilgesu, PE; and Scott Ryan Ryan Hardy, PE.

MOTION: By Hazard, seconded by Nelson for approval of the following AR Audit:

James. L. Bauer, AR.

ACTION: 7-0 AYE (Bacon, Hazard, Micko, Nelson, Neugebauer, Olson, Shafai)

MOTION: By Micko, seconded by Neugebauer for approval of the following PE Audits:

Huseyin Ilkin Bilgesu, PE and Scott Ryan Hardy, PE.

ACTION: 7-0 AYE (Bacon, Hazard, Micko, Nelson, Neugebauer, Olson, Shafai)

AGENDA ITEM # 9 APPROVAL OF APPLICANTS BY EXAMINATION, PR and PA

MOTION: By Neugebauer, seconded by Bacon for denial of the Petroleum

Release Assessor Application of Seth William Miller for lack of qualifying

education and experience.

MOTION: By Neugebauer, seconded by Bacon for approval of the following Petroleum

Release Assessor Application.

ACTION: 7-0 AYE (Bacon, Hazard, Micko, Nelson, Neugebauer, Olson, Shafai)

Date Licensed	Name	City	State	Profession	#
09/23/2011	Tietz, Michael Alan	Rapid City	SD	Α	11059

MOTION: By Neugebauer, seconded by Bacon for approval of the following Petroleum

Release Remediator Application.

ACTION: 7-0 AYE (Bacon, Hazard, Micko, Nelson, Neugebauer, Olson, Shafai)

Date Licensed	Name	City	State	Profession	#
09/23/2011	Ruppert, Daniel John	Alton	IA	R	7518

AGENDA ITEM # 10 APPROVAL OF COMITY APPLICATIONS

MOTION: By Hazard, seconded by Nelson for approval of the following Architects (AR)

Comity Applications.

ACTION: 7-0 AYE (Bacon, Hazard, Micko, Nelson, Neugebauer, Olson, Shafai)

Date Licensed	Name	City	State	Profession	#
09/23/2011	Archbold, Michael Kent	Rapid City	SD	AR	11016
09/23/2011	Bee Triplett, Jana Ellyce	Kansas City	MO	AR	11017
09/23/2011	Buttram, Edwin R.	Rogers	AR	AR	11018
09/23/2011	Cobb, Alan Howard	Detroit	MI	AR	11019
09/23/2011	Hoch, James Robert	Fort Wayne	IN	AR	11020
09/23/2011	Houser, John Charles	Saint Louis	MO	AR	11021
09/23/2011	Josal, Lance Kevin	Chicago	IL	AR	11022
09/23/2011	MacBride, Charles James	Sioux Falls	SD	AR	11023
09/23/2011	Myers, Jerry Thomas	Pocatello	ID	AR	11024
09/23/2011	Plutowski, Alan John	Golden Valley	MN	AR	11025
09/23/2011	Semling, Gary Michael	Petaluma	CA	AR	11026
09/23/2011	Thompson, Scott Clifford	Dakota Dunes	SD	AR	11027
09/23/2011	Toye, Alex Edmund	Kansas City	MO	AR	11028
09/23/2011	Wood, Darrell Dean	Henderson	NV	AR	11029

MOTION: By Hazard, seconded by Nelson for approval of the following Landscape

Architect (LA) Comity Application.

ACTION: 7-0 AYE (Bacon, Hazard, Micko, Nelson, Neugebauer, Olson, Shafai)

Date Licensed	Name	City	State	Profession	#
09/23/2011	Marner, Donald P.	Ankeny	IA	LA	11030

MOTION: By Bacon, seconded by Neugebauer for approval of the following Land Surveyor

(LS) Comity Applications.

Date Licensed	Name	City	State	Profession	#
09/23/2011	Heikkinen, John D	Howell	MI	LS	11031
09/23/2011	Thelen, Darin L	Lansing	MI	LS	11032

MOTION: By Micko, seconded by Neugebauer, Anthony Robert Clark is denied comity as a

Professional Engineer (PE) based on the lack of his qualifying experience.

ACTION: 7-0 AYE (Bacon, Hazard, Micko, Nelson, Neugebauer, Olson, Shafai)

MOTION: By Micko, seconded by Neugebauer, Tun GE is denied comity as a Professional

Engineer (PE) based on not having taken the NCEES Fundamentals of

Engineering (FE) examination.

ACTION: 7-0 AYE (Bacon, Hazard, Micko, Nelson, Neugebauer, Olson, Shafai)

MOTION: By Micko, seconded by Neugebauer, Katie Ann Hager is denied comity as a

Professional Engineer (PE) based on the lack of qualifying experience.

ACTION: 7-0 AYE (Bacon, Hazard, Micko, Nelson, Neugebauer, Olson, Shafai)

MOTION: By Micko, seconded by Neugebauer for approval of the following Professional

Engineer (PE) Comity Applications.

Date Licensed	Name	City	State	Profession	#
09/23/2011	Baker, Joseph Wade	Pineville	LA	PE	11033
09/23/2011	Boehne, Todd Edward	Green Bay	WI	PE	11034
09/23/2011	Brown, Dale Erwin	Sheridan	WY	PE	11035
09/23/2011	Cooke, G. Lance	Ridgefield	WA	PE	11036
09/23/2011	Fisher, Mark A.	Dallas	TX	PE	7794
09/23/2011	Fritz, Jack William	Sheridan	WY	PE	11037
09/23/2011	Gagliano, Morgan Rose	Rapid City	SD	PE	11038
09/23/2011	Hardert, Mitchell T	Dayton	ОН	PE	11039
09/23/2011	Janowsky Jr., William Robert	Diamondhead	MS	PE	11040
09/23/2011	Johnson, Brian Craig	Saint Paul	MN	PE	11041
09/23/2011	Jones, Erik Samuel	Dilworth	MN	PE	11042
09/23/2011	Kadlec, Terence Donald	Denver	CO	PE	11043
09/23/2011	McNaboe, Timothy Wayne	Bismarck	ND	PE	11044
09/23/2011	Miller, Scott Aaron	Seattle	WA	PE	11045
09/23/2011	Morales, Kelly Ann	Sahuarita	AZ	PE	11046
09/23/2011	Perkuhn, Gaylen Lee	Lino Lakes	MN	PE	11047
09/23/2011	Quail, Steven J	Sioux Falls	SD	PE	11048
09/23/2011	Randall, William David	Houston	TX	PE	11049
09/23/2011	Rice II, Raymond Christian	New Philadelphia	ОН	PE	11050
09/23/2011	Richgruber, Randy James	Minneapolis	MN	PE	11051
09/23/2011	Sakizadeh, Darush	Woodbury	MN	PE	11052
09/23/2011	Schiffer, Jerome J	Massillon	ОН	PE	11053
09/23/2011	Sopher, Peter L	Wheat Ridge	CO	PE	11054
09/23/2011	Speer, Gregory Christian	Frisco	TX	PE	11055
09/23/2011	Speir, David Dewayne	Tucson	AZ	PE	2733
09/23/2011	Vaughn, Dwayne Dean	Wichita	KS	PE	11056

AGENDA ITEM #11 APPROVAL OF BUSINESS APPLICATIONS

MOTION: By Bacon, seconded by Neugebauer for approval of the following Business

License Applications.

Date Licensed	Company Name	City	State	Profession	#
09/23/2011	3rd Generation	Dallas	TX	PE	C-6570
	Engineering, Inc.				
09/23/2011	AOS Engineering, LLC	Frisco	TX	PE	C-6571
09/23/2011	ATA Architects, LLC	Kansas City	MO	AR	C-6572
09/23/2011	Behrent Engineering Company	WheatRidge	СО	PE	C-1359
09/23/2011	Buthe Engineering	Sioux Falls	SD	PE	C-6573
09/23/2011	C2AE	Lansing	MI	LS	C-6574
09/23/2011	Charles MacBride Architect	Sioux Falls	SD	AR	C-6575
09/23/2011	Civil Design Professionals	Minneapolis	MN	PE	C-6576
09/23/2011	Cooperative Network Services, LLC	Menahga	MN	PE	C-6577
09/23/2011	Darrell Wood Architect	Henderson	NV	AR	C-6578
09/23/2011	DIS-TRAN Packaged Substations	Pineville	LA	PE	C-6579
09/23/2011	Edwin R. Buttram, Architect	Rogers	AR	AR	C-6580
09/23/2011	Forensic Building Science, Inc.	Saint Paul	MN	PE	C-6581
09/23/2011	Gastinger Walker Harden Architects	Kansas City	МО	AR	C-6582
09/23/2011	Great Plains Survey, Inc.	La Porte City	IA	LS	C-6583
09/23/2011	Harney Peak Resources LLC	Rapid City	SD	PE	C-6584
09/23/2011	Hoch Associates, P.C.	Fort Wayne	IN	AR	C-6585
09/23/2011	Integrated Consulting Engineers, Inc.	Wichita	KS	PE	C-6586
09/23/2011	Myers Anderson Architects pllp	Pocatello	ID	AR	C-6587
09/23/2011	Northwest Environmental Services	Alton	IA	R	C-6588
09/23/2011	Ray Tucker, P.E.	Corvallis	OR	PE	C-2243
09/23/2011	RTKL Associates Inc.	Baltimore	MD	AR	C-6589
09/23/2011	Samuel Engineering, Inc.	Greenwood Village	СО	PE	C-6590
09/23/2011	Trossen Wright Plutowski Architects, PA	Golden Valley	MN	AR	C-6591

AGENDA ITEM #12 REVIEW PREVIOUS APPLICATIONS & MISC.

MOTION: By Micko, seconded by Neugebauer for approval of the following previously

received and reviewed Professional Engineer (PE) Applications.

ACTION: 7-0 AYE (Bacon, Hazard, Micko, Nelson, Neugebauer, Olson, Shafai)

Date Licensed	Name	City	State	Profession	#
09/23/2011	Madrona, Cerenico Gozo	Valencia	CA	PE	11057
09/23/2011	Stich, Brian Keith	Fargo	ND	PE	11058

MOTION: By Micko, seconded by Neugebauer for approval of the following previously

received and reviewed Business Application based on approval of the Comity

Application of Cerenico Gozo Madrona.

ACTION: 7-0 AYE (Bacon, Hazard, Micko, Nelson, Neugebauer, Olson, Shafai)

Date Licensed	Company Name	City	State	Profession	#
09/23/2011	Yousif Jacob Inc.	Valencia	CA	PE	C-6592

MOTION: By Nelson, seconded by Hazard for approval of the following Landscape

Architecture (LA) Business Application for Tallgrass Landscape Architecture,

LLC by special approval.

ACTION: 7-0 AYE (Bacon, Hazard, Micko, Nelson, Neugebauer, Olson, Shafai)

Company Name	City	State	Profession	#
Tallgrass Landscape Architecture, LLC	Custer	SD	LA	C-6592

AGENDA ITEM #13 ANNUAL, ZONE, COMMITTEE REPORTS & UPCOMING MEETINGS

PREVIOUS - 08/24/11 to 08/27/11 - NCEES Annual Meeting, Providence, RI. - Shafai, Neugebauer, Bacon, Micko & Humphreys. Shafai was delegate. (NCEES pays for delegate & first time attendee. SDBOTP pays for others).

Attending Board members noted that past Board Member Dale Jans was installed as President of NCEES for the coming year at this meeting.

09/15/11 to 09/17/11 - **CLARB Annual Meeting**, Chicago, IL - Shafai attended. (SDBOTP pays)

Shafai reported on items discussed at this meeting including the move to computer based testing in 2012.

UPCOMING - 11/04/11 to 11/05/11 - **NCARB MBE Meeting**, Washington, DC - Humphreys (NCARB pays). Motion to attend.

MOTION: By Neugebauer, seconded by Nelson for approval for the Executive Director to

Attend the meeting.

AGENDA ITEM #14 CORRESPONDENCE (FOR REVIEW AND DISCUSSION, IF DESIRED)

Compliments - Informational for Board members.

Degree Requirements - Informational for Board members.

Texas Statute Change - Informational for Board members.

FE Exam - Informational for Board members regarding April exam.

NCEES Emeritus Status granted to Jans - NCEES Board of Directors approved Dale A. Jans as an Emeritus Member of NCEES at their August Board Meeting.

SDSU Distinguished Engineer Award Nomination - Dale Jans nominated for highest College of Engineering honor at SDSU–the Distinguished Engineer Award.

Other various board correspondence/Email - Informational for Board members.

AGENDA ITEM #15 FUTURE BOARD MEETING SCHEDULE

November 18, 2011

AGENDA ITEM #16 ADJOURNMENT

MOTION: By Hazard, seconded by Micko that the meeting be adjourned.

ACTION: 7-0 AYE (Bacon, Hazard, Micko, Nelson, Neugebauer, Olson, Shafai)

There being no further business, at the hour of 1:05 p.m., the South Dakota State Board of Technical Professions adjourned.

Mark Humphreys, Executive Director

Mark Lumphrous

Submitted by Kathryn Patterson, Senior Secretary, SDBOTP